

REMARKS

The acknowledgment of the claim for foreign priority under 35 U.S.C. §119 and receipt of the priority document is noted with appreciation.

Claims 1, 5, 6, 12-14, 18, 22, 23, 29-31, 35, 39, 40, and 46-48 are currently pending in the applications. Claims 2-4, 7-11, 15-17, 19-21, 24-28, 32-34, 36-38, 41-45, and 49-51 have been cancelled. Claim 1 has been amended to include the features of now cancelled claims 2-4. Claim 18 has been amended to include the features of now cancelled claims 19-21. Claim 35 has been amended to include the features of now cancelled claims 36-38. Claims 5, 6, 12, 22, 23, 29, 39, 40 and 46 have been amended to more clearly define the subject matter of the present invention. No new matter has been introduced.

A petition for a one-month extension of time is concurrently submitted herewith. Attached hereto is a check in the amount of \$110.00 to satisfy the one-month extension of time fee under 37 C.F.R. 1.17(a)(1).

Claims 1, 5, 6, 18, 22, 23, 35, 39, and 40 have been rejected as being anticipated by Japanese Application JP 11-196469 to Fujii. Claims 12-14, 29-31, and 46-48 have been rejected as being unpatentable over Fujii in view of Japanese Application JP 07-231474 to Nakajima. Each of these rejections is traversed in view of the amendments above and the remarks below.

As disclosed in claims 1, 18 and 35, now amended, the present invention features a radio communication system for performing communication between a portable cellular phone set on an origination side and a portable cellular phone set on a termination side through a base station apparatus, comprising: a first notifying function provided on the termination side for notifying said portable cellular phone set on the origination side of a termination rejection reason with respect to a termination request from said portable cellular phone set on the origination side in a service with which said portable cellular phone set on the termination side cannot cope; a second notifying function provided on the origination side for notifying the termination rejection reason outside; and a switching function provided on the origination side for switching to a service with which said portable cellular phone set on the termination side can cope on the basis of the termination rejection reason from said portable cellular phone set on the termination side,

wherein said switching function is allowed to switch to a service with which said portable cellular phone set on the termination side can cope in accordance with the presence/absence of information indicating a service type for the termination rejection reason.

In other words, as disclosed in of the present invention, in the case of an originating (calling) from a portable cellular phone (2) to which an image display adapter (1) or the like is connected to another portable cellular phone set (4) without an image display function or to which an image display adapter (1) or the like is not connected, the portable cellular phone set (4) on a termination side is allowed to communicate through a base station with the portable cellular phone set (2) on an origination side by switching to a service with which the portable cellular phone set (4) can cope on the basis of a service type, which is added to an appropriate information (a termination rejection reason) from the portable cellular phone set (4) (see page 36, line 6 to page 37, line 22 of the specification, and FIGS. 10, 11, 13 and 14, of the present invention). As is shown in the characteristic features of the present invention, it becomes possible to cope flexibly with a communication between the portable cellular phone set (2) on an origination side and the portable cellular phone set (4) on a termination side.

Claims 1, 5, 6, 18, 22, 23, 35, 39, and 40 have been rejected as being anticipated by Fujii. Fujii discloses a communication refusal (*i.e.*, termination rejection) method in a data communication system in which a data type or a communication terminal type is mutually notified between a transmitter terminal and a receiver terminal. However, Fujii fails to either teach or anticipate the feature of notifying the cellular phone set on the origination side (transmitter terminal) of a terminal rejection reason from the cellular phone set on the termination side (receiver terminal) to which a data type (information) is added. Particularly, Fujii does not teach such a technological concept that, in order to switch a service type, the cellular phone set on the termination side (receiver terminal) sets for itself a suitable data type (suitable information) and notify the cellular phone set on the origination side (transmitter terminal) of the suitable data type and, on the other hand, the cellular phone set on the origination side (transmitter terminal) allows to switch to a service type in accordance with the suitable data type from the cellular phone set on the terminal side (receiver terminal). Therefore, as

demonstrated by the foregoing, Fujii clearly fails to anticipate the present invention.

Claims 12-14, 29-31, and 46-48 have been rejected as being unpatentable over Fujii in view Nakajima. Nakajima discloses a portable digital telephone set having a detachable buffer memory means for storing therein various information (data) in which facsimile information, data communication information and picture information are sent or received at an optional time even without an input/output device at hand. However, it would not be obvious to one of ordinary skill in the art to incorporate to storing function in Nakajima into the telephone set in Fujii for the purpose of receiving image data even when an image display device is not available. Any motivation for any proposed modification to the telephone set in Fujii in such a manner cannot be derived from the storing function in Nakajima except through impermissible hindsight in light of the present invention.

For the aforementioned reasons, it is respectfully submitted that one of ordinary skill in the art would not find it obvious to create the present invention set forth in claims 1, 5, 6, 12-14, 18, 22, 23, 29-31, 35, 39, 40, and 46-48 by consulting any combination of the cited references.

In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims claims 1, 5, 6, 12-14, 18, 22, 23, 29-31, 35, 39, 40, and 46-48 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



Michael E. Whitham
Reg. No. 32,635

Whitham, Curtis & Christofferson, PC
11491 Sunset Hills Road - #340
Reston, VA 20190
Customer No. 30743